

United States Court of Appeals
Fifth Circuit

FILED

UNITED STATES COURT OF APPEALS January 15, 2009

FOR THE FIFTH CIRCUIT

Charles R. Fulbruge III
Clerk

No. 08-20290
Summary Calendar

United States District Court
Southern District of Texas
FILED

FEB 10 2009

D.C. Docket No. 4:06-CV-2492

Michael N. Milby, Clerk

KAREN D MCNEIL

Plaintiff - Appellant

v.

BMC SOFTWARE INC

Defendant - Appellee

Appeal from the United States District Court for the
Southern District of Texas, Houston.

Before JOLLY, BENAVIDES, and HAYNES, Circuit Judges.

J U D G M E N T

This cause was considered on the record on appeal and the
briefs on file.

It is ordered and adjudged that the judgment of the District
Court is affirmed.

IT IS FURTHER ORDERED that plaintiff-appellant pay to
defendant-appellee the costs on appeal to be taxed by the Clerk
of this Court.

ISSUED AS MANDATE: FEB 06 2009

A True Copy
Attest

Clerk, U.S. Court of Appeals, Fifth Circuit

By: Sabrina B Short
Deputy

FEB 06 2009

New Orleans, Louisiana